

R E M A R K S

The Office Action of June 12, 2007, has been received and carefully reviewed.

Claim 1 was amended by inserting the Markush group, "a thermoplastic resin selected from the group consisting of polyvinyl chloride, vinyl chloride-vinyl acetate copolymers, core-shell type acrylic resins and gradient type acrylic resins" into the claim.

Claims 1-3, 7-8, and 10-16 were amended by deleting the term "non-aqueous" before "composition", and inserting the phrase "for use in an automobile manufacturing line", in order to further refine what the Applicants consider to be their invention.

Support for the amendments can be found throughout the specification, and with regard to the Markush group in claim 1, at pages 8-9 of the specification. No new matter has been added by these amendments.

Rejection under 35 U.S.C. §112, first paragraph

Claims 1-16 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written

description requirement. According to the Examiner, the term "non-aqueous" is not recited in the specification and is therefore not supported in the claim. Applicants believe that one of ordinary skill in the paint and coatings art would understand that the term "non-aqueous" would include compositions that do not contain water as a measurable component of the claimed composition. However, in order to further the prosecution of the present application, Applicants have deleted the term from each of the claims. Applicants request the Examiner withdraw this rejection as moot in view of Applicants' amendments.

Rejections under 35 U.S.C. §102(b)

The Examiner rejected claims 1-6 under 35 U.S.C. §102(b), as anticipated by Wilkins et al. (GB 1,157,436). According to the Examiner, Wilkins et al. disclose a two part cold-curing synthetic resin composition that can be mixed together and set to a hard infusible mass. The composition of Wilkins et al. has a syrup A and syrup B, and according to the Examiner, the methyl methacrylate monomer in syrup A reads on the gelling agent of Applicants' claimed liquid B. The Examiner also states that the plasticizer dicyclohexyl phthalate and vinyl

acetate/maleic anhydride copolymer are included in Wilkins et al., therefore, Wilkins et al. anticipates Applicants' claimed invention. Applicants respectfully traverse this rejection.

Wilkins et al. describe a cold-curing, two part resin composition comprising a syrup A and a syrup B. According to Wilkins et al., syrup A consists essentially of a solution of methyl methacrylate polymer dissolved in a methyl methacrylate monomer, and additionally, having a stabilizer and a catalytic promoter. The syrup A of Wilkins et al. actually comprises both a thermoplastic resin (methyl methacrylate polymer), and a gelling agent (methyl methacrylate monomer), as well as a stabilizer, and catalyst. See Applicants' specification at page 4, lines 11-23, defining the term "gelation" and gelling agents.

In contrast, in Applicants' two-pack curable composition, the resin and gelling agent are separated until mixing; liquid A contains the thermoplastic resin, and liquid B contains the gelling agent. One of ordinary skill would understand that when a gelling agent is placed in contact with a thermoplastic resin, the mixture solidifies. This is why the two components are separated in Applicants' invention. An example of this property of the combination of resin and gelling agent is shown by

Comparative Example 2 in Applicants' specification, in Table 1 (page 21).

In Comparative Example 2, 2-hydroxyethyl acrylate (a gelling agent) was present in liquid A, along with acrylic resin. Table 1 shows that liquid A gelled before it could be mixed with liquid B.

While some of the individual components of Applicants' claimed invention are present in Wilkins et al., the components are not separated into two solutions or liquids in the same way. Applicants' liquid containing the thermoplastic resin (liquid A) does not contain a gelling agent as taught in Wilkins et al. Accordingly, because Wilkins et al. do not teach each and every feature of Applicants' claimed invention, it cannot anticipate the claims. As such, Applicants respectfully request withdrawal of this rejection.

The Examiner rejected claims 1 and 3 under 35 U.S.C. §102(b), as anticipated by Gerhard et al. (EP 0433069). According to the Examiner, Gerhard et al. teach a chemically curing two-part polyurethane curing composition for use as an adhesive/sealant. The Examiner states that part A of example 1 in Gerhard et al. comprises hydroxy-terminated polybutadiene which, according to the Examiner, reads on a thermoplastic resin, and di-octyl-

phthalate as a plasticizer. Part B of the same example comprises a plasticizer which reads on the term "gelling" agent of Applicants' claims. As such, the Examiner states that Gerhard et al. anticipates Applicants' invention. Applicants traverse this rejection.

In view of Applicants amendments, claim 1 does not encompass polyurethane or polybutadiene thermoplastic resins. As such, Gerhard et al. do not teach the thermoplastic resins claimed by Applicants. Applicants submit that this rejection is now moot, and request its withdrawal.

Rejections under 35 U.S.C. §102(b)/103(a)

Claims 10-11 were rejected under 35 U.S.C. §102(b) as anticipated, or, alternatively, under §103(a), as obvious over Wilkins et al. or Gerhard et al. According to the Examiner, the claims are rejected for the reasons stated in the rejection of claim 1 above. In addition, the Examiner states that while both references are silent as to gelling time and sprayable viscosity, one of ordinary skill in the art would understand that the compositions are the same and, therefore, there exists a reasonable basis for believing the properties would also be the same, absent

teaching to the contrary by Applicants. Applicants respectfully traverse this rejection.

As stated above, Applicants submit that neither Wilkins et al. nor Gerhard et al. teach or suggest all the features of Applicants' claimed invention. Neither reference teaches the two pack cold curing composition having the same components in liquid A or liquid B as Applicants' claimed invention. As such, claims 10-11 cannot be *prima facie* obvious in view of the either reference, and withdrawal of this rejection is requested.

The Examiner also rejected claim 12 under 35 U.S.C. §103(a) as obvious over Wilkins et al., or Gerhard et al. According to the Examiner, while both references are silent with respect to the proportions of gelling agent and thermoplastic resin, one of ordinary skill in the art would understand that the compositions are the same and, therefore, there exists a reasonable basis for believing the properties would also be the same, absent teaching to the contrary by Applicants. Applicants respectfully traverse this rejection.

As stated in response to the rejection of claims 10-11 above, Applicants submit that neither Wilkins et al. nor Gerhard et al. teach or suggest all the features of Applicants' claimed invention. As such, claim 12 cannot be

prima facie obvious in view of the either reference, and withdrawal of this rejection is requested.

The Examiner also rejected claims 7-9 and 13-16 under 35 U.S.C. §103(a) as being unpatentable over Wilkins et al. or Gerhard et al., in view of Nakano et al. (USP 5,166,229) (previously of record). According to the Examiner, both Wilkins et al. and Gerhard et al. are silent with respect to thermosetting epoxy resins, curing agents, viscosity, and use in spot welding. Nakano et al. is offered by the Examiner for teaching that epoxy resins are widely used in adhesive paint compositions and for teaching the use of latent curing resins and various viscosities. As such, the Examiner states that it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to apply the composition of Wilkins et al. or Gerhard et al., in the spot welding uses in Nakano et al., and one would have expected a reasonable chance of success. Applicants traverse this rejection.

As stated above with regard to the previous rejection, Applicants submit that neither Wilkins et al. nor Gerhard et al. teach or suggest all the features of Applicants' claimed invention. The combination of Nakano et al. to either reference does not cure the deficiencies of Wilkins et al. and Gerhard et al. Applicants submit that

the Examiner has failed to establish a *prima facie* case of obviousness with regard to claims 7-9 and 13-16 because the combination of Wilkins et al. or Gerhard et al., in view of Nakano et al., does not teach each and every element of the claimed invention. Withdrawal of this rejection is respectfully requested.

With this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney.

Respectfully submitted,
JACOBSON HOLMAN PLLC

By: 

Joseph G. Contrera
Reg. No. 44,628

400 Seventh Street, NW
Washington, D.C. 20004-2201
Telephone: (202) 638-6666
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